

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In The Matter Of:

IN ADMIRALTY

THE COMPLAINT OF S.D.S. LUMBER
CO., as owner or owner *pro hac vice* and
operator of the tug DAUBY, O.N. 641327, for
Limitation of Liability,

Petitioner.

NO. 3:20-cv-05767

ORDER APPROVING SECURITY
SUBMITTED FOR LIMITATION
FUND AND COSTS, DIRECTING
MONITION AND ISSUING
INJUNCTION

WHEREAS, it satisfactorily appears to the above-entitled Court:

1. That S.D.S. Lumber Co., as owner or owner *pro hac vice* and operator of the tug DAUBY, has duly filed its Complaint for Limitation of Liability within six months of receipt of written claims, therein praying for: (a) the acceptance and approval of the deposit in the amount of \$500 for security for costs; (b) the acceptance and approval of the Letter of Undertaking in the amount of \$1,762,945.80 as security for the limitation of liability fund; (c) issuance of a Monition to and against all persons claiming damages for any damage, loss, or injury to any person or property arising or resulting from the collision described in the complaint; (d) public notice to all persons of such Monition according to all applicable rules; and (e) issuance of an injunction restraining both the institution and further prosecution of any and all suits or actions or other proceedings of any character whatsoever in any Court whatsoever (excepting this proceeding in this Court) against S.D.S. Lumber Co. based on or connected with any claim or claims directly or indirectly related to the collision described in

ORDER APPROVING SECURITY
SUBMITTED FOR LIMITATION FUND AND
COSTS, DIRECTING MONITION AND
ISSUING INJUNCTION - 1

Case No. 3:20-cv-05767

ATTORNEYS AT LAW
BAUER MOYNIHAN & JOHNSON LLP
2101 FOURTH AVENUE, STE. 2400
SEATTLE, WASHINGTON 98121
TELEPHONE: (206) 443-3400

1 the Complaint including, but not limited to, *Gregory v. S.D.S. Lumber Co. and Gorge*
2 *Leasing Co.*, Cowlitz County Superior Court No. 20-2-00392-08, including all pending
3 discovery therein pertaining to S.D.S. Lumber Co.; and

4 2. That along with the Complaint, S.D.S. Lumber Co. also filed its Notice of
5 Value, submitted a deposit for costs the sum of \$500, and submitted as security for limitation
6 a Letter of Undertaking in the amount of \$1,762,945.80.

7 **ORDER**

8 THEREFORE, on motion on behalf of S.D.S. Lumber Co., appearing through its
9 attorneys of record, Bauer Moynihan & Johnson LLP, this Court hereby enters its order as
10 follows:

11 1. That said Letter of Undertaking in the amount of \$1,762,945.80, with interest
12 accrued at 6 percent per annum, as duly filed, be now adjudged in all respects adequate and
13 proper, it is hereby ordered and accepted, subject to further order of this Court, as security for
14 the limitation fund herein;

15 2. That the sum submitted for costs in the amount of \$500, as duly filed, be now
16 adjudged in all respects adequate and proper, it is hereby ordered and accepted, subject to
17 further order of this Court, as a deposit for costs herein;

18 3. That a Monition of this Court in due form according to its practices and
19 complying with the applicable Federal Rules of Civil Procedure shall be issued by the Clerk
20 forthwith against all persons claiming damages for any damage, loss, or injury of person or
21 property arising or resulting from the collision described in the complaint, citing them and
22 requiring each of them to file their respective claims with the Clerk of this Court and to serve
23 on or mail to the attorneys for S.D.S. Lumber Co., Matthew C. Crane and Meliha Jusupovic,
24 Bauer Moynihan & Johnson LLP, 2101 Fourth Avenue, Suite 2400, Seattle, Washington
25 98121, a copy thereof before or on the return date specified in said Monition being the
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ORDER APPROVING SECURITY
SUBMITTED FOR LIMITATION FUND AND
COSTS, DIRECTING MONITION AND
ISSUING INJUNCTION - 2
Case No. 3:20-cv-05767

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3rd day of August, 2020, or other date not less than thirty (30) days after the issuance of said Monition unless for cause shown the return date is deferred by order of this Court;

4. That public notice of the Monition shall be given by the United States Marshal by publication of such notice once each week for four (4) consecutive weeks before the return date in the Seattle Daily Journal of Commerce as prescribed by Rule F of the Federal Rules of Civil Procedure Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and LAR 150;

5. That an injunction is hereby issued prohibiting, restraining, and staying both the institution and the further prosecution of any and all suits or actions or other legal proceedings of any character whatsoever in any court whatsoever (except only in this proceeding and this Court) against S.D.S. Lumber Co. based on or connected with any claim directly or indirectly related to the collision as described in the complaint including, but not limited to, *Gregory v. S.D.S. Lumber Co. and Gorge Leasing Co.*, Cowlitz County Superior Court No. 20-2-00392-08, including any pending discovery therein; and

6. That service of this order as restraining order shall be made within this District in the usual manner and in any other District by delivering a certified copy of this order to the person or persons to be restrained, or to their respective attorneys or representatives.

DATED this 3rd day of August, 2020.


UNITED STATES DISTRICT JUDGE

1 Presented By:

2 BAUER MOYNIHAN & JOHNSON LLP

3 s/ Matthew C. Crane

4 Matthew C. Crane, WSBA No. 18003

5 s/ Meliha Jusupovic

6 Meliha Jusupovic, WSBA No. 54024

Attorneys for petitioner S.D.S. Lumber Co.

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ORDER APPROVING SECURITY
SUBMITTED FOR LIMITATION FUND AND
COSTS, DIRECTING MONITION AND
ISSUING INJUNCTION - 4

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